

OGC HAS REVIEWED.

MEMORANDUM FOR: Office of General Counsel

SUBJECT: Effect of Roth Case on the Applicability of the
Lloyd-LaFollette Act to Agency Separations

REFERENCES: (a) U.S. District Court Ruling in the Case of Leo A. Roth,
dated 15 December 1953
(b) U.S. Court of Appeals Ruling in the Case of Leo A. Roth,
#12126, decided 16 July 1954

1. In the case referenced in (b) above, the U.S. Court of Appeals held that Leo A. Roth, an attorney in the Department of Justice, was removed illegally from his Schedule "A" position, since he had competitive status prior to the removal of his position from the competitive service and is entitled to the procedural safeguards provided by the Lloyd-LaFollette Act.

2. The opinion of your Office is requested as to whether this ruling has any effect upon the applicability of the Lloyd-LaFollette Act to the separation from this Agency of persons who possess competitive civil service status. This opinion is requested because of the differences between the circumstances in the Roth case and those which would be involved in any case that may arise in this Agency since Roth's position was removed from classified service whereas Agency employees with status move voluntarily to an excepted position.

3. As a matter of policy, the protection of the Lloyd-LaFollette Act has been extended to employees of the Agency. The question of whether or not the Agency is legally bound to extend this protection to status employees who voluntarily accept an excepted position with CIA is of considerable importance in view of the decision rendered in reference (b).

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George E. Maloon
Deputy Assistant Director
for Personnel